

REMARKS

Applicant respectfully requests consideration and entry of the above amendments even though presented after a final rejection. Applicant submits that the amendments represent patentable subject matter over the cited prior art, and do not raise new issues or require a new search. Further, consideration and entry of the amendments may place the claims in better condition for appeal, if necessary, by reducing the outstanding issues. The amendments were not presented earlier in the prosecution due to a better understanding of the Examiner's position as reflected in the latest Office Action.

Claims 7-15 and 24-34 remain standing in this application. Claims 7 and 24 have been amended. Claims 1-7 and 16-23 have been canceled to facilitate allowance of the remaining claims without intended prejudice to the underlying subject matter and without regard to the cited prior art. Applicant hopes that by reducing the number of standing claims the remaining issues may be more readily identified and resolved in view of the amendments and following remarks. Reconsideration and allowance of the standing claims are respectfully requested.

Claims 1-25 stand rejected under 35 U.S.C. 103(a) as being anticipated by USPN 6,229,883 (Kakizaki) in view of US Publication No. 2003/0147518 A1 (Albal). Applicant respectfully requests reconsideration and removal of this rejection.

Claims 7-14 and 24-25 define over Kakizaki in view of Albal. Claims 7-14 and 24-25, as amended, each recite the feature of an application computer communicating "network information pertaining to an incoming call indicative of telephony monitoring and control functions from an application computer to a gatekeeper, the application computer being located separately from any of at least two nodes of the packet data

network” with a gatekeeper. The Office Action correctly states that “Kakizaki does not disclose that information pertaining to an incoming call indicative of telephony monitoring and control functions is transmitted by an application computer, which located separately from any of at least two nodes of the packet data network.” The Office Action further states that Albal discloses the missing features. Office Action, Page 2.

Applicant respectfully disagrees.

Applicant submits that Albal does not disclose the missing features of claims 7-15 and 24-25. Albal is directed to a communication system to connect a first communication device 52 with a second communication device 58 via a communication node 56. Communication node 56 may provide caller identification information to second communication device 58 during a call session. Although communication node 56 is arguably separate from communication devices 52 and 58, communication node 56 is not an application computer. For example, communication node 56 does not communicate “information pertaining to an incoming call indicative of telephony monitoring and control functions” as recited in the claimed subject matter. Removal of this rejection is therefore respectfully requested.

Claims 26-30 stand rejected under 35 U.S.C. 102(e) as being anticipated by Kakizaki. Applicant respectfully traverses this rejection.

Claims 26-30 represent patentable subject matter since Kakizaki fails to disclose all the features of claims 26-30. Claims 26-30 recite “an applications computer to provide a user information relating to the incoming caller of telephone calls transmitted over a packet-switched data network under its control.” Kakizaki sends caller ID information over the public Internet. Consequently, Kakizaki fails to disclose any device

transmitting information “over a packet-switched data network under its control.”

Accordingly, removal of this rejection for claims 31-34 is respectfully requested.

Claims 31-34 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kakizaki. Claims 31-34 depend from claim 26, and therefore represent patentable subject matter for at least the same reasons given for claim 26. Accordingly, removal of this rejection for claims 31-34 is respectfully requested.

For at least the above reasons, Applicant submits that claims 7-15 and 24-34 recite novel features not shown by the cited references. Further, Applicant submits that the above-recited novel features provide new and unexpected results not recognized by the cited references. Accordingly, Applicant submits that the claims are not anticipated nor rendered obvious in view of the cited references.

It is believed that claims 7-15 and 24-34 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

The Examiner is invited to contact the undersigned at 724-933-3387 to discuss any matter concerning this application.

Appl. No. 10/072,465

Reply to Office Action of May 13, 2004 (Paper No. 10)

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 02-2666.

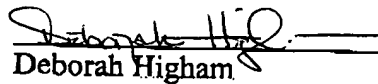
Respectfully submitted,

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Under 37 CFR 1.34(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: 8-16-04.


Deborah Higham

8-16-04
Date

Dated: August 13, 2004

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